

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

Alyn Tarrence,

Respondent.

Case No. 16-187/18BEE0004

License No. 991090

Order Regarding Proposed  
Decision

This matter came before the Board of Educational Examiners upon Complaint. An investigation was conducted and the Board found probable cause to move the case forward to hearing. A hearing took place before Administrative Law Judge Margaret LaMarche on October 3, 2017. Judge LaMarche issued a proposed decision on October 10, 2017. The proposed decision was served upon the Respondent and the Board.

At its regular meeting on November 3, 2017, the Board voted to accept the proposed decision without modification. Neither party appealed within the time allowed by 282 Iowa Administrative Code 11.28(1).

ORDER

THEREFORE, the Proposed Decision in the matter stands as the Board's final ruling.

Dated this 9<sup>th</sup> day of November, 2017.



Dr. Ann Lebo, Executive Director  
On behalf of the Board

Copies to:

Alyn Tarrence (first-class mail and restricted certified mail)  
RESPONDENT

Jordan Esbrook (electronic mail)  
ATTORNEY FOR STATE

OCT 11 2017

IN THE MATTER OF:	)	CASE NO. 16-187
	)	DIA NO. 18BEE0004
ALYN M. TARRENCE,	)	
	)	PROPOSED DECISION
RESPONDENT	)	[DEFAULT]

On August 16, 2017, the Iowa Board of Educational Examiners (Board) issued a Notice of Hearing and Statement of Charges that charged Alyn Tarrence (Respondent) with falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students, in violation of 282 Iowa Administrative Code (IAC) 25.3(3)(e).

The hearing was held before the undersigned administrative law judge on October 3, 2017 at 1:10 p.m. in a third floor hearing room, Wallace State Office Building, Des Moines, Iowa. Assistant Attorney General Jordan Esbrook represented the state. Respondent was properly served<sup>1</sup> with the Notice of Hearing and Statement of Charges by restricted certified mail on August 18, 2017. (Ex. 2) Respondent did not file an Answer, and she did not appear for hearing.

### THE RECORD

The record includes the testimony of Amy Clayton and State Exhibits 1-8 (See Exhibit List for description). A protective order was issued for Exhibit 6, pursuant to Iowa Code section 22.7(1), because it contains confidential information concerning a student. The record also includes the Board Order Extending the 180 day time limit.

### FINDINGS OF FACT

Respondent holds an initial license (Folder #991090) with the following current endorsement: K-6 Teacher Elementary Classroom. Respondent's license is current and will expire on March 31, 2019. Respondent also has an expired endorsement for K-12 Instructional Strategist II:ID and an expired Paraeducator Certificate. (Ex. 3)

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<sup>1</sup> See 282 IAC 11.7(1), 11.23.

Beginning with the 2016-2017 school year, Respondent was employed by the Davenport Community School District (CSD) on a conditional license to teach in the Special Education Level III Life Skills program at Jackson Elementary School. (Clayton testimony; Ex. 5, p. 22)

As a Life Skills teacher, Respondent was responsible for completing Early Literacy Alternate Assessment Student Performance Reports for each of her special education students. The Alternate Assessment is based on the essential elements of the Common Core standards. Amy Clayton was the Coordinator for the Alternate Assessments conducted in the Davenport CSD, and Tera Stopoulos was the district's Life Skills Instructional Coach. On August 29, 2016, Clayton sent an email that notified Respondent and other teachers that they were required to complete the 2-3 hour online training for Alternate Assessments by September 9<sup>th</sup>. The teachers were directed to print the certificate at the end of the training and to provide a copy to Clayton. A 3 hour in-service was also held with the teachers at the beginning of the year. (Clayton testimony; Ex. 7, pp. 39-50)

The Iowa K-3 Early Literacy Alternate Assessment Student Performance Report consists of 6 Scales that must be scored by the teacher (on a range of 1-10) by the end of each reporting period. The teachers were provided a binder for each student that was tabbed for each of the 6 Scales. The teachers were instructed to collect and maintain evidence (i.e. student work) for each of the 6 Scales at least weekly. The evidence that was collected by the teacher could be a work sample, a video or photo of students engaged in work, or performance data over time. At the end of each reporting period, the teacher was required to choose 3 pieces of evidence for each scale that reflected the student's best performance. The teacher was to use that evidence to select the scores that were entered into the system for each of the 6 scales. The teachers were required to have at least 3 pieces of evidence to support the scores given for each of the scales. All of the completed binders for each reporting period were to be kept and not discarded. (Clayton testimony; Ex. 6; Ex. 7, p. 40)

The first Alternative Assessment reporting period was from September 15-December 16, 2016. The teachers responsible for the assessments were sent a follow-up email on September 13, 2016. This follow-up email reiterated the Alternate Assessment process and emphasized the importance of collecting at least 3 pieces of evidence for each scale for each student. (Clayton testimony; Ex. 7, pp. 40-41)

On November 28, 2016, the principal of Jackson Elementary (Teresa Bechen) placed Respondent on paid administrative leave pending an investigation of a reported

incident that is unrelated to this disciplinary proceeding. While Respondent was on administrative leave, Principal Bechen and Tera Stopoulos both checked the student binders that were to be used by Respondent to collect evidence for the Alternate Assessments for her students and found that no evidence had been collected by Respondent in any of the binders. Principal Bechen then checked the electronic system and saw that Respondent had already entered scores for each of her students for the fall reporting period without having any collected evidence to support those scores. (Ex. 5, pp. 24-25; Ex. 6; Ex. 8; Clayton testimony)

The school district scheduled a meeting with Respondent to discuss the missing student data and the other incident for which she had been suspended. On December 7, 2016, Respondent submitted a letter of immediate resignation prior to the scheduled meeting. Respondent was offered the opportunity to come for the scheduled meeting even though she had resigned, but Respondent did not appear for the meeting. The school district filed a complaint with the Board on December 19, 2016. (Ex. 5, p. 24; Ex. 4; Clayton testimony)

### CONCLUSIONS OF LAW

*Relevant Statutes and Rules.* The legislature created the Iowa Board of Educational Examiners with the exclusive authority to develop a code of professional rights and responsibilities, practice, and ethics. Iowa Code section 272.2(1)(2017). The Board has promulgated a Code of Professional Conduct and Ethics at 282 IAC chapter 25. 282 IAC 25.3 provides, in relevant part:

282-25.3(272) Standards of professional conduct and ethics. Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

...

25.3(3) *Standard III-misrepresentation, falsification of information.*

Violation of this standard includes:

...

e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel,

including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

*Analysis.* The preponderance of the evidence established that while Respondent was employed as a Life Skills Teacher by the Davenport Community School District, she entered student scores on Alternative Assessment Reports for which she had not collected any of the required supporting evidence. Respondent was fully informed of the requirements for completing the Alternative Assessment Reports. Given the lack of any collected evidence and the entry of the scores well before the end of the reporting period, it is likely that Respondent falsified the scores that she assigned on the reports. At the very least, Respondent's entries of scores without the required evidence constituted a deliberate misrepresentation in the evaluation of her students. Based on this record, it must be concluded that Respondent violated 282 IAC 25.3(3)(e) by falsifying or deliberately misrepresenting material information in her evaluation of students. Respondent has been given multiple opportunities to explain her actions but has not done so. She did not appear for her meeting with the school district and she has not responded to the Notice of Hearing and Statement of Charges.

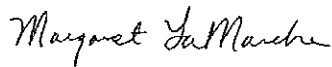
*Sanction.* In closing argument, the state pointed to multiple prior cases that have involved licensees who had violated record keeping or reporting requirements for special education students. Those cases have typically been informally resolved through settlements that provide for a written reprimand and completion of an in-person 15 hour Ethics for Educators class. The state noted, however, that Respondent's failure to respond to the Notice of Hearing and Statement of Charges may warrant an additional or more severe sanction than the sanction typically imposed in a settlement. Respondent's failure to appear for hearing and her failure to provide any explanation for her actions, to the school district or to the Board, warrants a more severe sanction than the typical sanction imposed through informal settlement. The sanction in this case should include a license suspension of at least six (6) months.

#### DECISION AND ORDER

IT IS THEREFORE ORDERED that the teaching license issued to Respondent Alyn Tarrence (Folder #991090) shall be SUSPENDED for a minimum period of six (6) months, effective when this proposed decision becomes final.

IT IS FURTHER ORDERED that Respondent must complete an in-person fifteen (15) hour "Ethics for Educators" course. Respondent is responsible for all costs associated with completing the course. Respondent shall provide the Board with proof of her completion of this course prior to reinstatement.

Dated this 10th day of October, 2017.



Margaret LaMarche  
Administrative Law Judge  
Iowa Department of Inspections and Appeals  
Division of Administrative Hearings  
Wallace State Office Building-Third Floor  
Des Moines, Iowa 50319

cc: Alyn M. Tarrence, 606 Hagerman Drive, Muscatine, Iowa 52761 (First-Class Mail)

Jordan Esbrook, Assistant Attorney General, Hoover State Office Building, 2<sup>nd</sup> Floor, 1305 Walnut, Des Moines, Iowa 50319 (Local Mail)

Dr. Ann Lebo, Executive Director, Iowa Board of Educational Examiners, Grimes State Office Building, Des Moines, Iowa 50319 (Local Mail)

*Motion to Vacate Default Decision.* Pursuant to 282 IAC 11.23(3), default decisions after a party has failed to appear or participate in a contested case hearing become final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties or unless an appeal of the decision on the merits is timely initiated within the time provided by rule 282 IAC 11.28. A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for the party's failure to appear or participate in the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.

*Appeal on the Merits.* Pursuant to 282 IAC 11.28, an appeal of a proposed decision on the merits must be filed within 30 days after issuance of the proposed decision. In addition, the Board may initiate review of a proposed decision on its own motion at any time within 30 days after issuance of a proposed decision.

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS  
OF THE STATE OF IOWA**

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In the matter of	)	Case No. 16-187
	)	Folder No. 991090
<b>Alyn M. Tarrence,</b>	)	
	)	<b>NOTICE OF HEARING</b>
Respondent.	)	<b>AND STATEMENT OF CHARGES</b>

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**YOU ARE HEREBY NOTIFIED** that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

**A. TIME, PLACE AND NATURE OF HEARING**

1. Hearing will be held on Tuesday, October 3, 2017, before Administrative Law Judge Margaret LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 1:00 p.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9<sup>th</sup> Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 1:00 p.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 Iowa Administrative Code rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any

resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 Iowa Administrative Code rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Jordan Esbrook  
Assistant Attorney General  
Iowa Department of Justice  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, Iowa 50319  
Telephone (515) 281-7175

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Dr. Ann Lebo, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Esbrook at (515) 281-8159.

## **B. SECTIONS OF STATUTES AND RULES INVOLVED**

### **Count I**

7. Respondent is charged with falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students, in violation of 282 Iowa Administrative Code rule 25.3(3)(e).

## **C. JURISDICTION AND LEGAL AUTHORITY**

8. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 Iowa Administrative Code chapter 11.

## **D. FACTUAL CIRCUMSTANCES**

9. Respondent holds an initial license (FOLDER # 991090) with the following endorsements: K-6 Teacher Elementary Classroom. Respondent's license is current and will next expire on March 31, 2019.



10. During all material events of this case, Respondent was employed as an Elementary Level III Life Skills Teacher by the Davenport Community School District.


11. On December 19, 2016, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On June 16, 2016, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

12. Investigation revealed that Respondent failed to record student progress monitoring data for the students assigned to her roster. Scores were entered into the K3 Early Literacy Alternate Assessment Student Performance Report but evidence indicates that these are not actual student scores.

#### **E. SETTLEMENT**

13. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 Iowa Administrative Code rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 16<sup>th</sup> day of August, 2017.



Ann Lebo, Executive Director  
Iowa Board of Educational Examiners

Copies to:

Alyn Tarrence (first-class mail and restricted certified mail)  
RESPONDENT

Jordan Esbrook (electronic mail)  
ATTORNEY FOR STATE